



Transportation
Security
Administration

Justification and Approval

INSTRUCTIONS: Complete the Justification and Approval (J&A) to justify the use of other than full and open competition as required in FAR Part 6.303. The Program Manager (PM) or designee is required to provide a J&A stating the reasons for use of other than full and open competition. These documents must be approved by the Office of Acquisition and reviewed by the Office of Chief Counsel (OCC), as appropriate. The PM or designee is required to develop the justification in accordance with the guidance and format below, for all procurement actions over the minimum estimated procurement value (i.e., see procurement estimate thresholds on the signature sections). Pay particular attention to gray highlighted text, as it must be tailored for each action. Text that is not highlighted is standard language and should only be modified as needed. For questions pertaining to this justification, please contact the responsible Contracting Officer.

SECTION I: Introduction

41 U.S.C. 253, implemented by the Federal Acquisition Regulation, requires that TSA promote and provide for full and open competition; however, there are statutory authorities that authorize contracting without full and open competition (See FAR Part 6). This form documents the justification and approval of the use of one of the seven exceptions from competition. The Program Manager is required to draft the justification stating the reasons for using other than full and open competition in coordination with the Contracting Officer.

The Transportation Security Administration (TSA), Office of Information Technology and Office of Acquisition proposes to enter into a contract on the basis of other than full and open competition. The procurement request number is 2109209CIO206, and the Office of Acquisition's J&A tracking number is 3-2009-107.

SECTION II: Description of Action Being Approved

This is a Sole Source Justification is for renewal and annual maintenance of Kroll Ontrack's *PowerControl Software*, in support of TSA's OPT/ITD IT Security Operations E-mail Recovery Solution, a critical part of IT Security's Incident Response capabilities.

SECTION III: Description of Supplies or Services

Item Number	ITEM	Period	Qty
90PCC51LE	PCEX Commercial License	12 Months	3

The Period of Performance for this action will run from Award to 6/18/2010.

SECTION IV: Authority Cited

Check the authority under one of the seven exceptions listed under FAR 6.302 (see below); no other exception may be used.

☒ 41 U.S.C. 253(c)(1) Only one responsible source and no other supplies or services will satisfy agency requirements (See FAR 6.302-1)

- ☐ 41 U.S.C. 253(c)(2) Unusual and compelling urgency (See FAR 6.302-2. See HSAM if contract required for recovery from natural disaster, act of terrorism, or other man-made disaster.)
- ☐ 41 U.S.C. 253(c)(3) Industrial mobilization; engineering, developmental, or research capability; or expert services (See FAR 6.302-3)
- ☐ 41 U.S.C. 253(c)(4) International agreement (See FAR 6.302-4)
- ☐ 41 U.S.C. 253(c)(5) Authorized or required by statute (See FAR 6.302-5)
- ☐ 41 U.S.C. 253(c)(6) National security (See FAR 6.302-6)
- ☐ 41 U.S.C. 253(c)(7) Public interest (See FAR 6.302-7. Note that use of this exception requires approval by the Secretary, Department of Homeland Security.)

SECTION V: Reason to Support Authority for Sole Source Cited

The Information Technology Department (ITD) has mission requirements that are in part to capture, store, normalize, integrate, correlate, and analyze system and network logs, events, data, and information; detect security events, intrusions, attacks and security breaches, and support investigation of intrusions into restrictive Information Technology (IT) areas of TSA by providing forensic auditing of archived emails directly from backup tapes.

To accomplish this mission, TSA must procure IT security monitoring, storage, and retrieval tools and services that together are a technically effective, cost efficient solution while not increasing TSA's vulnerability to IT based risks. Initially, TSA procured the service from Unisys, TSA's managed full-service contractor.

The average cost to TSA of each service request to Unisys was [REDACTED], and each year TSA IT Security makes 7 to 12 actions. This results in costs of more than [REDACTED] per year. After 3 years of operating in this manner, ITD/IT Security Branch (ITSB) determined that costs could be significantly reduced by separating the instant procurement requirement from the IT Managed Services Contract with Unisys and competing those requirements. This approach was and remains a complex enterprise solution and in the Second Quarter of CY 2006 extensive research was conducted to identify and test available products and their capabilities. Kroll Ontrack's product was determined to be the best available and in fact was the ONLY product available that met the requirements of the ITD/ISB. With the Kroll Ontrack solution, TSA's service requirement costs with regard to these recovery and retrieval actions have been reduced by several million dollars.

There is an extensive selection, installation, and learning curve associated with purchasing, implementing and maintained this type of enterprise product. It would be cost prohibitive and a waste of available funds to repeat all these processes on an annual basis and replace the product with something new.

SECTION VI: Efforts to Obtain Competition

This procurement is exempted from synopsis under FAR 5.202 (a) (13). In accordance with FAR Part 5.202(a)(13), this requirement is being made available through the GPE with responses allowed.

Additionally, in Fiscal Year 2008, prior procurement actions for Kroll Ontrack were issued through the FedBid reverse auction system to all DHS IDIQ FirstSource contract holders. No Bids were returned. At

that time it was confirmed that Kroll Ontrack has no resellers.

SECTION VII: Anticipated Procurement Cost

Expected Annual renewal cost of [REDACTED]

SECTION VIII: Market Research

This is an annual renewal of license and maintenance. Extensive research was conducted on available products and their capabilities when this product was first purchased and this product was considered the best available to meet the requirements of the office. The professional staff that operates the software maintains awareness of product developments in the field and believes that renewal of the product is in the best interests of the office.

SECTION IX: Other Factors

No other Factors at this time.

SECTION X: List of Interested Sources

As noted in Section VI, this action is exempted from synopsis requirements. The Solicitation will be posted to FBO, and a redacted copy of the Justification and Approval will be posted to FBO as well.

SECTION XI: Actions Taken to Remove Barriers to Competition

While OIT fully supports competition among vendors and brands, this must be tempered with other Federal Requirements, including Enterprise Architecture, FISMA Certification and Accreditation, and with our ability to monitor and manage the enterprise in a cost effective manner.

Switching brands on a yearly, individual, or small quantity basis is neither practical nor cost effective; doing so would necessitate a major refresh of the current system to accommodate a comparatively small increase or change. However, when major refresh or product end-of-life cycles are reached and a significant part of the inventory requires replacement, full and open competition based on open standards will be utilized. At that time TSA will seek to avoid proprietary technologies in determining the next generation of equipment and supplies, but if an open standard does not exist at that point in time or a proprietary solution represents the best technical alternative, TSA will consider the total cost of ownership, to include maintenance throughout the lifecycle, before awarding any contracts for future equipment.

SECTION XII: Technical or Requirements Personnel Certification

I certify that this requirement meets the Government's minimum need and that the supporting data, which forms a basis for this justification, is complete and accurate.

Karen Nason

Name (Printed)

Karen Nason

Signature

6/1/2009

Date

SECTION XIII: Contracting Officer Certification

I certify that this justification is accurate and complete to the best of my knowledge and belief.

MICHAEL S. ISEMAN

Name (Printed)

Michael S. Iseman

Signature

15-Jun-2009

Date

SECTION XIV: Legal Review (applies for actions over \$100K)

I have reviewed this Justification and Approval and I concur that, based on the representations contained within, this justification is legally sufficient.

Name (Printed)

Signature

Date

SECTION XV: Concurrence and Approval

The required levels of concurrence and approval of this J&A depend on the estimated total value of the procurement. Concurrence and approval must be obtained for that level and each previous level. Refer to the Attachment to MD 300.13 for concurrence and approval thresholds for the J&A.

Estimated Procurement Value:
\$2,000 - \$100,000 for Construction
\$2,500 - \$100,000 for Services
\$3,000 - \$100,000 for Supplies

Concurrence:

Program Manager:

Karen Nason

Name (Printed)

Karen Nason

Signature

6/1/2009

Date

Acquisition Official Approval:

Contracting Officer:

MICHAEL S. ISEMAN

Name (Printed)

Michael S. Iseman

Signature

15-Jun-2009

Date

Estimated Procurement Value: \$100,001 - \$550,000

Acquisition Official Approval:

Division Director:

Name (Printed)

Signature

Date

Estimated Procurement Value: \$550,001- \$5,000,000

Acquisition Official Approval:

TSA Competition Advocate:

Name (Printed)

Signature

Date

Estimated Procurement Value: \$5,000,001- \$11,500,000

Acquisition Official Approval:

Deputy Assistant Administrator:

Name (Printed)

Signature

Date

Estimated Procurement Value: \$11,500,001- \$57,000,000

Concurrence:

Assistant Administrator:

Name (Printed)

Signature

Date

Acquisition Official Approval:

Head of Contracting Activity:

Name (Printed)

Signature

Date

Estimated Procurement Value: \$57,000,001 and up

TSA Deputy Administrator Approval:

TSA Deputy Administrator:

Name (Printed)

Signature

Date

Department of Homeland Security Approval

I have reviewed this Justification and Approval and I approve the decision to use other than full and open competition.

Name (Printed)

Signature

Date